GOVERNMENT OF INDIA
INFORMATION AND BROADCASTING
LOK SABHA

UNSTARRED QUESTION NO:1803
ANSWERED ON:26.07.2017
Misleading Advertisement
Meena Shri Harish Chandra;Patel Shri Subhash;Prabakaran Shri K.R.P.;Shiyal Dr. Bharati Dhirubhai

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the Government has taken cognizance of rise in misleading advertisements in the television programmes in the country;

(b) if so, the details of brands and channels against whom action has been taken for violating the norms/guidelines; and

(c) whether any steps have been taken by the Government to monitor the contents of the advertisements being telecast and if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF INFORMATION & BROADCASTING [COL RAJYAVARDHAN RATHORE (Retd.)]

(a) to (c): Advertisements telecast on Private TV channels are required to adhere to the Advertising Code prescribed under the Cable TV Networks (Regulation) Act, 1995 and Rules framed thereunder. As per existing regulatory framework there is no pre-censorship on advertisements. Action is taken whenever violation of Code is brought to the notice of the Ministry.

Advertising Standards Council of India (ASCI), a self regulatory body of advertisement industry has set up Consumer Complaints Council to deal with advertising content and decide on complaints against advertisements making misleading, false and unsubstantiated claims.

Rules 7(5) of the Cable Television Networks Rules, 1994, specifically provides "No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved". Ministry has constituted an Inter-Ministerial Committee (IMC) to take cognizance suo-moto or to look into specific complaints regarding content telecast on private TV channels including advertisements. IMC functions in a recommending capacity.

An advisory was issued by the Ministry on 21.8.2014 advising all TV channels not to telecast advertisements which were found to be violating provisions of Cable Television Networks Rules, 1994, ASCI Code and also Drugs & Magic Remedies (Objectionable Advertisement) Act, 1954.

On the request of M/o AYUSH an Advisory dated 12.07.2017 has been issued to all TV channels to advertise products that have valid license issued by M/o AYUSH or State Drug Licensing Authorities.

Department of Consumer Affairs has informed that it has launched a portal called GAMA (Grievance Against Misleading Advertisements) where a consumer can lodge a complaint against misleading advertisements. These complaints are processed by Advertising Standard Council of India (ASCI) under an MOU with Department of Consumer Affairs. Further, they have informed that since its inception in March, 2015 till July 2017, 4383 complaints have been received in the GAMA portal out of which 2079 have been resolved.

****